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09/716,141	11/17/2000	David A. Monroe	081829.000038	8673

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EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
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2144

4

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,141

Applicant(s)

MONROE ET AL.

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This application has been examined. Pre-amendment A received on 11/15/2002 has been entered. Claims 3 and 10 are currently amended. Claims 13-20 are new. Claims 1-2, 4-9, and 11-12 are original.
2. Claims 1-20 are presented for examination.

Priority

3. No priority claims have been made.
4. The effective filing date for the subject matter defined in the pending claims in this application is 11/17/2000.

Specification

5. The use of the trademarks (i.e. **Microsoft Media Player**) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Chaddha et al. (U.S. Patent Number 6,173,317), hereinafter referred to as Chaddha.

8. AARP disclosed a method for recognizing and playing a continuous streaming video data signal with no known beginning of data signal and no known end of data signal (page 1 paragraphs !0004-!0006).

9. AARP taught the invention substantially as claimed. However, AARP did not expressly teach the steps of assigning an arbitrary beginning of data signal to the streaming video in mid-stream and assigning an arbitrary end of data signal to the streaming video for identifying the length of the video stream.

10. AARP suggested exploration of art and/or provided a reason to modify the method with the assigning beginning and end of data signal for identifying the length of the video stream (page 1 paragraph !0005).

11. Chaddha disclosed a method of assigning an arbitrary beginning of data signal to the streaming video in mid-stream and assigning an arbitrary end of data signal to the streaming video for identifying the length of the video stream (Figures 5-8B, column 29-39, column 6 line 63-column 7 line 14, column 8 lines 46-59).

12. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of AARP with the teachings of Chaddha to include the assigning beginning and end of data signal for identifying the length of the video stream in order to support playback of continuous or real-time sources since Media Players such as Microsoft Media Player must be informed of parameters such as

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file name and file length before it could begin to playback (AARP, page 1 paragraph !0005).

13. Regarding claim 2, Chaddha disclosed a method wherein the continuous streaming video is time stamped and wherein the beginning of data signal is assigned by arbitrarily assigning a zero value to the first time stamp received (Figures 5, 8A-8B).

14. Regarding claim 3, Chaddha disclosed a method wherein the zero value is achieved by resetting each received time stamp with a value of the current time stamp minus first time stamp received, whereby the first time stamp received is set to zero and additional time stamps are counted from the first time stamp received (Figures 5, 8A-8B).

15. Regarding claim 4, AARP and Chaddha combined disclose a method wherein the continuous streaming video is playable on a Microsoft Media Player platform utilizing the arbitrary reset to zero step for the first time stamp received (AARP, page 1 paragraphs !0004-!0005; Chaddha, Figures 5-8B, column 2 lines 47-61, column 5 lines 29-39).

16. Regarding claim 5, Chaddha disclosed a method wherein the end of data signal is set at a sufficiently high level to accommodate the functional life of the data signal (Figure 7 sign 718, column 6 line 63-column 7 line 6).

17. Regarding claim 6, AARP and Chaddha combined disclose a method wherein the end of data signal is arbitrarily set at the highest number achievable by the player platform (AARP, page 1 paragraph !0005; Chaddha, Figure 7 sign 718, column 6 line 63-column 7 line 6).

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18. Regarding claim 7, AARP disclosed a method wherein the continuous streaming video is playable on a Microsoft Media Player platform having a 63-bit file length with variables settable at either "0" or "1" and wherein all of the Media Player 63-bit file length variables are set to 1, thereby permitting a maximum file length of approximately thirty thousand years (page 1 paragraphs !0003-!0005). Note: Microsoft Media Player platform having a 63-bit file length with variables settable at either "0" or "1" are customizable features of Microsoft Media Player for users to set at either "0" or "1" depending on users' needs and requirements.

19. Regarding claim 8, Chaddha disclosed a method wherein an additional user plays a streaming video already in progress using an additional player, the method further comprising the steps of examining and modifying data being passed from the network and formulating an artificial beginning of data signal thereby by permitting an additional user to access the video already in progress by providing a recognizable beginning of file signal (Figures 6-7, column 2 lines 47-67, column 8 lines 46-59, column 9 lines 2-13).

20. Regarding claim 9, Chaddha disclosed a method wherein the encoded video signal may be viewed by more than one client, and wherein the streaming video signal is sent to a multicast group address for forwarding the stream only to known recipients, wherein a multicast routing technique is used for determining that multiple recipients are located on one specific network path or path segment, and wherein only one copy of the video signal is sent along that path (Figure 2 sign 240, column 2 lines 47-67, column 6 lines 36-51, column 9 lines 32-46).

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21. Regarding claim 10, Chaddha disclosed a method including the step of assigning dual level addresses to the streaming video stream, whereby the recipient selects the video to be received, by first identifying the IP address of the desired source of the streaming video signal and then obtaining an appropriate file transfer protocol from the source (Figures 6-7, column 6 lines 36-51, column 9 lines 32-46, column 10 lines 7-20).

22. Regarding claim 11, Chaddha disclosed a method wherein the first address component is obtained using graphical methods (Figures 6-7, column 5 lines 29-39, column 9 lines 6-13, lines 32-45).

23. Regarding claim 12, Chaddha disclosed a method wherein the second address component is obtained by determining an appropriate file transfer protocol from the source the client obtains a small file from the desired encoder, using FTP, TFTP or other appropriate file transfer protocol over TCP/IP [HTTP] (Figures 6-7, Figure 9 sign 964, column 5 lines 29-39, column 8 lines 13-29, lines 46-59, column 9 lines 6-13, lines 32-45).

24. Regarding claim 13, the limitations of claim 13 are similar to the limitations of claims 1 and 2 combine, and thus claim 13 is rejected using the same rationale.

25. Regarding claim 14, the limitations of claim 14 are similar to the limitations of claims 1, 2, and 3 combine, and thus claim 14 is rejected using the same rationale.

26. Regarding claim 15, the limitations of claim 15 are similar to the limitations of claims 1, 2, 3, and 4 combine, and thus claim 15 is rejected using the same rationale.

27. Regarding claim 16, the limitations of claim 16 are similar to the limitations of claims 1, 5, and 6 combine, and thus claim 16 is rejected using the same rationale.

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28. Regarding claim 17, the limitations of claim 17 are similar to the limitations of claims 1, and 8 combine, and thus claim 17 is rejected using the same rationale.

29. Regarding claim 18, the limitations of claim 18 are similar to the limitations of claims 1, and 9 combine, and thus claim 18 is rejected using the same rationale.

30. Regarding claim 19, the limitations of claim 19 are similar to the limitations of claims 1, 9, and 10 combine, and thus claim 19 is rejected using the same rationale.

31. Regarding claim 20, AARP and Chaddha disclosed a method for playing a continuous streaming video data signal with no known beginning of the data signal and no known end of the data signal, the method comprising the steps of assigning an arbitrary beginning of the data signal to the streaming video in midstream; assigning an arbitrary end of the data signal to the streaming video for identifying the length of the video stream; and playing the streaming video from the beginning of the data signal to the end of the data signal (AARP, page 1 paragraphs !0004-!0006; Chaddha, Figures 5-8B, column 29-39, column 6 line 63-column 7 line 14, column 8 lines 46-59).

32. Since all the limitations of the claimed invention were disclosed by the combination of AARP and Chaddha, claims 1-20 are rejected.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665 or (571) 272-3930 (new telephone number after October 2004). The examiner can normally be reached on M-F 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William Cuchlinski

SPE

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703-308-3873

tp
August 30, 2004